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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/617,460	07/17/2000	Reiner Kraft	ARCP-2000-0116-US1	7835

7590 04/05/2004  
Samuel A Kassatly  
6819 Trinidad Drive  
San Jose, CA 95120

EXAMINER

HENEGHAN, MATTHEW E

ART UNIT	PAPER NUMBER
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2134

DATE MAILED: 04/05/2004

3

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application**

09/617,460

**Applicant(s)**

KRAFT ET AL.

**Examiner**

Matthew Heneghan

**Art Unit**

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 17-24 is/are rejected.
- 7) ☒ Claim(s) 14-16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 July 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. Claims 1-24 have been examined.

***Information Disclosure Statement***

2. The following Information Disclosure Statement in the instant application has been fully considered:

Paper No. 2, filed 17 July 2000.

***Drawings***

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference signs mentioned in the description: item 451 on p.16, line 9 and p.17, line 5; item 452 on p. 19, line 19 and p.20, line 13; item 453 on p. 22, line 16; item 454 on p.26, lines 3 and 19 and p. 30, line 12; item 455 on p.27, line 9; and item 456 on p.29, line 20. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference signs not mentioned in the description: figure 4, item 365 and figure 6, item 430. A proposed drawing correction, corrected

drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 17, 18, and 22-24 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 17 recites the limitation "the variable" in line 2. There is insufficient antecedent basis for this limitation in the claim. For purposes of the prior art search, it is being presumed that claim 17 is dependent upon claim 6, rather than upon claim 16.

Claim 18 depends from rejected claim 17, and includes all the limitations of that claim, thereby rendering that dependent claim indefinite.

Claims 22-24 provide for the use of the invention, but, since the claims do not set forth any steps involved in the method, it is unclear what method applicant is intending to encompass. A claim is indefinite where it merely recites a use without any active, positive steps delimiting how this use is actually practiced. For purposes of the prior art search, claim 22 will stand or fall with claim 1; claim 23 will stand or fall with claim 3; and claim 24 will stand or fall with claim 11.

6. Claims 3 and 23 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. Parent claims 1 and 22 teach to the rendering of data uninterpretable by the crawler, whereas claims 3 and 23 teach to preventing crawler access to the data source, which would make the generation of uninterpretable data irrelevant.

For purposes of the prior art search, it is being presumed that the preventing of crawler access is being done on a selective basis.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claims 22-24 are rejected under 35 U.S.C. 101 because the claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process, i.e., results in a claim which is not a proper process claim under 35 U.S.C. 101. See for example *Ex parte Dunki*, 153 USPQ 678 (Bd.App. 1967) and *Clinical Products, Ltd. v. Brenner*, 255 F. Supp. 131, 149 USPQ 475 (D.D.C. 1966). See the rejections of claims 22-24 under 35 U.S.C. 112, above.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

8. Claims 1-5, 8-10, 12, 13, and 21-23 are rejected under 35 U.S.C. 102(b) as anticipated by U.S. Patent No. 5,918,013 to Mighdoll et al.

Regarding claim 1 and 22, the transcoding proxy disclosed by Mighdoll is able to correct undesirable quirks (such as visibility to search engines) in web pages (see column 7, line 52 to column 8, line 3).

As per claims 2, 3, 10, and 23, the server may allow access to data only to subscribers (see column 14, line 54 to column 15, line 15).

As per claim 4, 11-13, and 24, the server can modify formats, necessitating structural changes, the repositioning of data, and the insertion of new data to conform to the new format (see column 7, lines 15 and 16).

As per claim 5, the correcting of bugs and undesirable effects in documents constitute changes in content (see column 7, lines 10-12).

As per claims 8, 9, and 21, the server can be used to modify forms in HTML documents (see column 8, lines 5-10).

9. Claims 1, 2, 7, 19, and 22 are rejected under 35 U.S.C. 102(e) as anticipated by U.S. Patent No. 6,195,698 to Lillibridge et al.

The system disclosed by Lillibridge includes the transforming of text characters into images in order to render data to be uninterpretable by a crawler (see abstract).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-5, 8-10, 12, 13, and 21-23 are rejected under 35 U.S.C. 103(a) as obvious over U.S. Patent No. 5,918,013 to Mighdoll et al. in view of in view of U.S. Patent No. 6,195,698 to Lillibridge et al.

This rejection is similar to the rejection under 35 U.S.C. 102(b) as anticipated by U.S. Patent No. 5,918,013 to Mighdoll et al. Since it is not certain as to whether visibility to a crawler could be considered a "quirk," this rejection combines a reference that would make it so.

Regarding claim 1 and 22, the transcoding proxy disclosed by Mighdoll is able to correct undesirable quirks in web pages (see column 7, line 52 to column 8, line 3).

Mighdoll does not explicitly state that visibility to crawlers constitute such "quirks."

Lillibridge discloses a system for restricting computer system access and states that it is desirable to restrict access requests from automated agents (see abstract).

Therefore it would be obvious to one of ordinary skill in the art at the time the invention was made to implement the invention of Mighdoll by defining crawler accessibility as a "quirk," as disclosed by Lillibridge, as it is desirable to restrict access requests from automated agents.

As per claims 2, 3, 10, and 23, the server may allow access to data only to subscribers (see column 14, line 54 to column 15, line 15).

As per claim 4, 11-13, and 24, the server can modify formats, necessitating structural changes, the repositioning of data, and the insertion of new data to conform to the new format (see column 7, lines 15 and 16).



As per claim 5, the correcting of bugs and undesirable effects in documents constitute changes in content (see column 7, lines 10-12).

As per claims 8, 9, and 21, the server can be used to modify forms in HTML documents (see column 8, lines 5-10).

11. Claims 6, 11, 17, 20, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,918,013 to Mingdollar et al. in view of U.S. Patent No. 6,195,698 to Lillibridge et al. as applied to claims 1 and 8 above, and further in view of U.S. Patent No. 6,334,189 to Granger et al.

Regarding claims 6, 17, and 20, Mingdollar and Lillibridge do not disclose the changing of entire variable names or labels when transcoding.

Granger discloses the changing of variable names (which are labels) in the context of code obfuscation, in order to avoid unnecessarily exposing the algorithms and implementation details to an outside entity (see column 19, lines 29-53).

Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Mingdollar by adding the changing of variable names, as disclosed by Granger, in order to avoid unnecessarily exposing the algorithms and implementation details to an outside entity.

Regarding claims 11 and 24, Mingdollar discloses the transcoding of both text and images, but does not disclose transformations from text to images.

Lillibridge discloses the transforming of text characters into images, and suggests that this would make it unlikely that an agent could be used as an impostor for a user (see column 5, line 41 to column 6, line 2).

Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Mingdoll by transforming text characters into graphical equivalents, as disclosed by Lillibridge, in order to make it unlikely that an agent could be used as an impostor for a user.

12. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,918,013 to Mighdoll et al. in view of U.S. Patent No. 6,195,698 to Lillibridge et al. in view of U.S. Patent No. 6,334,189 to Granger et al. as applied to claim 17 above, and further in view of U.S. Patent No. 6,006,328 to Drake.

Though a variable name in the invention of Mighdoll and Granger may be recalculated, they do not disclose the variable being in a data entry form with a session ID.

Drake discloses a scenario wherein a "login spoof" includes a login form, with session ID, and notes that this secures ID-data (see column 9, lines 3-35).

Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to modify the invention Mighdoll and Granger by inserting implementing a login form, as disclosed by Drake, in order to secure ID-data.

***Allowable Subject Matter***

13. Claims 14-16 are objected to as being dependent upon rejected base claims, but would be allowable if rewritten in independent form including all of the limitations of their respective base claims and any intervening claims.

Regarding claim 14, no art could be found that employ code obfuscation involving the nesting of tables for the purpose of displacing the data encompassed. Though U.S. Patent No. 6,334,189 to Granger et al. discloses generated code being placed in tables, it cannot be shown that the tables would necessarily become nested (see column 20, lines 26-30).

Regarding claims 15 and 16, no art could be found wherein obfuscating inserts are used in files that are intended for use by web browsers. The closest art, U.S. Patent No. 6,006,328 to Drake, discloses the use of obfuscating inserts into program files to counter the use of disassemblers by eavesdroppers (see column 5, lines 37-58).

***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,192,475 to Wallace discloses a method for cloaking software to protect it from reverse-engineering.

U.S. Patent No. 6,668,325 to Collberg et al. discloses several methods for software obfuscation.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew E. Heneghan, whose telephone number is (703) 305-7727. The examiner can normally be reached on Monday-Thursday from 8:00 AM - 4:00 PM Eastern Time. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse, can be reached on (703) 308-4789.


**Any response to this action should be mailed to:**


Commissioner of Patents and Trademarks  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Or faxed to:**

(703) 872-9306  
Hand-delivered responses should be brought to Crystal Park 2, 2121 Crystal Drive, Arlington, VA 22202, Fourth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

MEH   
March 31, 2004

  
GREGORY MORSE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100